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## THE EXPULSION OF THE JEWS FROM ENGLAND IN 1290.

(Continued from p. 100.)

### VI.—THE PROHIBITION OF USURY.

VERY soon after the passing of the Statute of 1270, Edward left England to join the second Crusade of St. Louis, and did not return till 1274, two years after he had been proclaimed king. At once he took up with characteristic vigour, and with the help and advice of a band of statesmen and lawyers, the work of administrative reform that he had already begun as heir-apparent. He recognised that the state of affairs established in 1270 could not endure, since, under it, the Jews, while practically prevented from lending money at interest, now that the law forbade them to take in pledge real property, the only possible security for large loans, were nevertheless still nothing but usurers, allowed by ancient custom and royal recognition to carry on that one pursuit as best they could, and prevented by the same forces from carrying on any other. Edward, with his usual love for "the definition of duties and the spheres of duty,"<sup>1</sup> felt that it was necessary to define for the Jews a new position, which should not, as did their present position, condemn them to hopeless struggles, nor demand from him acquiescence in what he believed to be a sin.

For the Church had never ceased to maintain the doctrine of the sinfulness of usury which Ambrose and Clement, Jerome and Tertullian, had taught in strict conformity with the communistic ideas of primitive Christianity. It is true that till the eleventh century

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<sup>1</sup> Stubbs, *Constitutional History*. II., 116.

usury and speculative trading generally had not been active enough to call for repression, nor would the Church have been strong enough to enforce on the Christian world the observance of its doctrine. It could not follow up the attempt made by the Capitularies of Charles the Great to prevent laymen from practising usury, and it had to rest content with enforcing the prohibition on clerics.<sup>1</sup> But the growth under Hildebrand of the power of the Church over every-day life, and the elevation of the moral tone of its teaching that resulted from its struggles with the temporal power, enabled it to adopt with increasing effect measures of greater severity. Hildebrand, in 1083, decreed that usurers should, like perjurers, thieves, and wife-deserters, be punished with excommunication;<sup>2</sup> and the Lateran General Council of 1139, when exhorted by Innocent II. to shrink from no legislation as demanding too high and rigorous a morality, decreed that usurers were to be excluded from the consolations of the Church, to be infamous all their lives long, and to be deprived of Christian burial.<sup>3</sup> The religious feeling aroused by the Crusades still further strengthened the hold on the Christian world of characteristically Christian theory, while the prospect of the economic results that they threatened to bring about in Europe, awoke the Church to the advisability of putting forth all its power to protect the estates of Crusaders against the money-lenders. Many Popes of the twelfth century ordained, and St. Bernard approved of the ordinance<sup>4</sup> that those who took up the Cross should be freed from all engagements to pay usury into which they might have entered. Innocent III. absolved Crusaders even from obligations of the kind that they had incurred under oath, and subsequently ordered that Jews should be forced, under penalty of

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<sup>1</sup> Ashley, *Economic History and Theory*, I., 126-32, 148-50.

<sup>2</sup> Hefele, *Concilien geschichte*, V., 175.

<sup>3</sup> *Ibid.*, 438-441.

<sup>4</sup> Jacobs, *The Jews of Angevin England*, 23.

exclusion from the society of Christians, to return to their crusading debtors any interest that they had already received from them.<sup>1</sup>

Stronger even than the influence of the Crusades was that of the Mendicant Orders. The Dominicans, who preached, and the Franciscans, who "taught and wrought" among all classes of people throughout Europe, carried with them, as their most cherished lesson, the doctrine of poverty. It was by the teaching of this doctrine, and by the practice of the simple unworldly life of the primitive Church, that the founders of the two orders had been able to give new strength to the ecclesiastical institutions of the thirteenth century. And their teaching, if not their practice, made its way from the Casiuncula to the Vatican. Cardinal Ugolino, the dear friend of S. Francis, became Gregory IX.; Petrus de Tarentagio, of the order of the Dominicans, became Innocent IV.; and Girolamo di Ascoli, the "sun" of the Franciscans, was soon to become Nicholas IV. Moreover, the work of formulating and publishing to the world the official doctrines of the Church was in the hands of the Mendicants. A Dominican, Raymundus de Peñaforte, was entrusted by Gregory IX. with the preparation of the *Decretals*, which formed the chief part of the canon law of the Church.<sup>2</sup> And friars of both orders codified with indefatigable labour the moral law of Christianity, and set it forth in hand-books, or *Summae*, which were universally accepted as guides for the confessional, and which all agreed in condemning usury.<sup>3</sup> Hence, the doctrine of its sinfulness was taught throughout Christian Europe, by priests and monks, by Dominican preachers and Franciscan confessors, who could enforce their lesson by the use of their power of granting

<sup>1</sup> *Corpus Juris Canonici* (Leipzig, 1839), II., 786.

<sup>2</sup> Raumer, *Geschichte der Hohenstaufen und ihrer Zeit*, III., 581.

<sup>3</sup> Endemann, *Studien in der Romanisch-Kanonistischen Wirtschafts- und Rechtslehre*, I., 16-18. Stintzing, *Geschichte der Populären Literatur des Römisch-Canonischen Rechts*.

or refusing absolution. How strong and violent a public opinion was thus created is best shown in the lines in which Dante, the contemporary of Edward I., tells with what companions he thought it fit that the Caursine usurers should dwell in hell.<sup>1</sup>

There was every reason why the hatred of usury should be as strong in England as anywhere. The Franciscan movement had spread throughout the country, and had found among Englishmen many of its chief literary champions.<sup>2</sup> And the Englishman's pious dislike of usury had been strengthened by many years of bitter experience. Italian usurers had in the previous reign gone up and down the country collecting money on behalf of the Pope, and lending money on their own account at exorbitant rates of interest.<sup>3</sup> From some of the magnates they obtained protection (for which they are said to have paid with a share of their profits),<sup>4</sup> but to the great body of the Baronage, to the Church and the trading classes, their very name had become hateful. One of them, the brother of the Pope's Legate, had been killed at Oxford.<sup>5</sup> In London Bishop Roger had solemnly excommunicated them all, and excluded them from his diocese.<sup>6</sup>

No English king who wished to follow the teachings of Christianity could willingly countenance any of his subjects in carrying on a traffic which was thus hated by the people and condemned by all the doctors of Christendom. Even Henry III. was once so far moved by indignation and religious feeling as to expel the Caursines from his kingdom,<sup>7</sup> and had religious scruples about the retention of the Jews.<sup>8</sup> But, as has been shown, he could not do with-

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<sup>1</sup> E pero lo minor giron suggella,  
Del segno suo e Sodoma e Caorsa.

*Inferno*, XI. 49, 50.

<sup>2</sup> *Monumenta Franciscana* (Rolls Series), XLV., L., 10, 38-9, 61.

<sup>3</sup> Macpherson, *Annals of Commerce*, I., 399-400.

<sup>4</sup> M. Paris, *Chronica Majora*, V., 245.

<sup>5</sup> *Ibid.*, III., 482-3.

<sup>6</sup> *Ibid.*, III., 332-3.

<sup>7</sup> *Ibid.*, IV., 8.

<sup>8</sup> M. Paris, *Historia Anglorum*, III., 104.

out the Jewish revenue. Edward was not only free from dependence on that source of income, but he was also a far more religious king than his father. He was a man to obey the behests of the Church, instead of setting them at naught with an easy conscience, as his father had done. In the second year of his reign the Church, by a decree passed at the Council of Lyons, demanded from the Christian world far greater efforts against usury than ever before.<sup>1</sup> Till this time, though Popes and Councils had declared the practice accursed, churches and monasteries had had usurers as tenants on their estates, or had even possessed whole ghettos as their property.<sup>2</sup> Now this was to be ended, and it was ordained by Gregory X. that no community, corporation, or individual should permit foreign usurers to hire their houses, or indeed to dwell at all upon their lands, but should expel them within three months. Edward, in obedience to this decree, ordered an inquisition to be made into the usury of the Florentine bankers in his kingdom with a view to its suppression, and allowed proceedings to be taken at the same time and with the same object against a citizen of London.<sup>3</sup> And the events of the last reign enabled him to proceed to what at first seems the far more serious task of bringing to an end the trade that the Jews had carried on under the patronage, and for the benefit, of the Royal Exchequer.

For the Jews could no longer support the Crown in times of financial difficulty as they had been able to do in previous reigns. The contraction of their business that

<sup>1</sup> Ashley, *Economic History and Theory*, I. 150; Labbeus, *Sacrosancta Concilia*, xi. 991, 2.

<sup>2</sup> Depping, *Les Juifs dans le Moyen Age*, 202, 207; Muratori, *Antiquitates Italicae Medii Aevi*, I. 899, 900; *Ninth Report of the Historical Manuscripts Commission*, p. 14 (No. 264).

<sup>3</sup> *Forty-fourth Report of Deputy-Keeper of Public Records*, pp. 8, 9, 72; *The Question whether a Jew, etc., by a Gentleman of Lincoln's Inn, London, 1753*; *Appendix*, § 18.

was the result of their exclusion from many towns, and the losses that they had suffered through the extortions of Henry III. and the plundering attacks of the barons, had very greatly diminished their revenue-paying capacities, and the legislation of 1270 must have affected them still more deeply. At the end of the twelfth century they had probably paid to the Treasury about £3,000 a year, or one-twelfth of the whole royal income,<sup>1</sup> and for some parts of the thirteenth century the average collection of tallage has been estimated at £5,000;<sup>2</sup> but in 1271—by which time the royal income had probably grown to something like the £65,000 a year which the Edwards are said to have enjoyed in time of peace<sup>3</sup>—Henry III., when pledging to Richard of Cornwall the revenue from the Jewry, estimated its annual value, apart from what was yielded by escheats and other special claims, at no more than 2,000 marks.<sup>4</sup> And while the resources of the Jews had fallen off, the needs of the Crown had increased. Not only must Edward have conducted his foreign enterprises at a much greater cost than did his predecessors, under whom the English knighthood had been accustomed to serve without serious opposition, but, in addition, he had to make the best of a vast heritage of debt that his father had left him.<sup>5</sup> He had to seek richer supporters than the Jews, and such were not wanting.

The Italian banking companies were the only organisations in Europe that could supply him with such sums of money as he needed. From all the greatest cities of Italy—from Florence, Rome, Milan, Pisa, Lucca, Siena, and Asti—they had spread to many of the chief countries of Europe,

<sup>1</sup> Jacobs, 328.

<sup>2</sup> *Papers Anglo-Jewish Hist. Exhibition*, 195.

<sup>3</sup> Stubbs' *Constitutional History* II., 601.

<sup>4</sup> Rymer, *Foedera*, I. 489. Cf. Public Record Office, *Q. R. Miscellanea*.

<sup>5</sup> *Chronicles Ed. I. and II.* (ed. Stubbs), Vol. I., p. c. Cf. *Forty-second Report of Deputy-Keeper of Public Records*, p. 479 (At the beginning of his reign Edward says, in his writs to the sheriffs, "Pecuniæ plurimum indigemus"). *Forty-third Report*, 419.

to France, England, Brabant, Switzerland, and Ireland.<sup>1</sup> They were merchants, money-lenders, money-changers, and international bankers, and in this last occupation their supremacy over all rivals was secured by the great advantage which the wide extent of their dealings enabled them to enjoy, of being able to save, by the use of letters of credit on their colleagues and countrymen, the cost of the transport of money from country to country.<sup>2</sup> They were thus the greatest financial agents of the time. They transacted the business of the Pope. At the Court of Rome ambassadors had to borrow from them.<sup>3</sup> In France their position was established by a regular diplomatic agreement between the head of their corporation and Philip III.<sup>4</sup> In England they had in their hands the greater part of the trade in corn and wool ;<sup>5</sup> and the protection and favour of English kings was often besought by the Popes on their behalf in special bulls.<sup>6</sup>

Edward began his reign in financial dependence on the Italians. His father had in the earliest period of his personal government incurred obligations to them which he himself, as heir apparent, had to increase considerably at the time of his Crusade.<sup>7</sup> When in later years he needed money to pay his army, he borrowed it from them ; when he diverted to his own use the tenth that was voted for his intended second Crusade, they gave security for repayment.<sup>8</sup> So great were the amounts that they advanced to him, that between 1298 and 1308 the Friscobaldi

<sup>1</sup> Muratori, *Antiquitates Italicae Medii Aevi* (Dissertatio XVI) ; Deping, *Les Juifs dans le Moyen Age*, 213-6 ; Rymer, *Foedera*, I., 644.

<sup>2</sup> Macpherson, *Annals of Commerce*, I. 405, 6 ; and see Peruzzi, *Storia del Commercio e dei Banchieri di Firenze*, 170.

<sup>3</sup> Peruzzi, 169 ; *Archaeologia*, xxviii. 218, 219.

<sup>4</sup> Muratori, *Antiquitates Italicae Medii Aevi*, I. 889.

<sup>5</sup> *Archaeologia*, xxviii. 221 ; Cunningham, *Growth of English Industry and Commerce, Early and Middle Ages*, Appendix D ; Peruzzi, *Storia del Commercio*, 70.

<sup>6</sup> Rymer, *Foedera*, I. 660, 823, 905.

<sup>7</sup> *Archaeologia*, xxviii. 261-272.

<sup>8</sup> Rymer, *Foedera*, I. 644, 788.

Bianchi alone, one of the thirty-four companies that he employed,<sup>1</sup> received in repayment nearly £100,000.<sup>2</sup> He was compelled to favour them, although he attempted to stop their usury. He gave them a charter of privileges.<sup>3</sup> He presented them with large sums of money. He bestowed on the head of one of their firms high office in Gascony. At various times he placed under their charge the collection of the Customs in many of the chief ports in England.<sup>4</sup>

Edward's close connection with a body of financiers so rich and powerful made the Jews unnecessary to him. If he was not to disobey the decree of the Council of Lyons, he must either withdraw his protection from them or else forbid them any longer to be usurers. To withdraw his protection from them would be to expose them to the popular hatred, the danger from which had been the justification of the relations that had been established between Crown and Jewry after 1190, and still existed. He chose the second alternative. In 1275 he issued a statute, in which he absolutely forbade the Jews, as he had just forbidden Christians,<sup>5</sup> to practise usury in the future. He gave warning that usurious contracts would no longer be enforced by the king's officers, and he declared the making of them to be an offence for which henceforth both parties were liable to punishment. To ensure that all those contracts already existing should come to an end as quickly as possible, he ordered that all movables that were in pledge on account of loans were to be redeemed before the coming Easter.<sup>6</sup>

#### VII.—EDWARD'S POLICY: THE JEWS AND TRADE.

Thus the Jews, already shut out from the feudal and municipal organisation of the country, were forbidden by

<sup>1</sup> Peruzzi, 174.

<sup>2</sup> *Archæologia*, xxviii. 244-5.

<sup>3</sup> *Ibid.* 231, Note 1.

<sup>4</sup> Peruzzi, 172-5.

<sup>5</sup> *The Question whether a Jew, etc.* Appendix, §18. Prynne, *A Short Demurrer*, 58.

<sup>6</sup> Blunt, *Establishment and Residence, etc.*, 139-144.

one act of legislation to follow the pursuit in which the kings of England had encouraged them for two hundred years.

However, for the hardships imposed by the Christian Church there was an approved Christian remedy. Thomas Aquinas, the greatest authority on morals in Europe in the thirteenth century, had written: "If rulers think they harm their souls by taking money from usurers, let them remember that they are themselves to blame. They ought to see that the Jews are compelled to labour as they do in some parts of Italy."<sup>1</sup> A Christian king, and one whom Edward revered as his old leader in arms and as a model of piety, had already acted in accordance with the teaching of Thomas Aquinas. In 1253 St. Louis sent from the Holy Land an order that all Jews should leave France for ever, except those who should become traders and workers with their hands.<sup>2</sup> And now, when Edward was forbidding the Jews of England to practise usury, he naturally dealt with them in the fashion recommended by the great teacher of his time and adopted by the saintly king. "The King also grants," said the Statute of 1275, "that the Jews may practise merchandise, or live by their labour, and for those purposes freely converse with Christians. Excepting that, upon any pretence whatever, they shall not be levant or couchant amongst them; nor on account of their merchandise be in scots, lots, or talliage with the other inhabitants of those cities or boroughs where they remain; seeing they are talliable to the King as his own serfs, and not otherwise. . . . And further the King grants, that such as are unskilful in merchandise, and cannot labour, may take lands to farm, for any term not exceeding ten years, provided no homage, fealty, or any such kind of service, or advowson to Holy Church, be belonging to them. Provided also that this power to farm

<sup>1</sup> Thomas Aquinas, *Opusculum*, XXI. (*Ad Ducissam Brabantiae* in Vol. XIX. of the Venice edition, 1775-88.)

<sup>2</sup> M. Paris, *Chronica Majora*, V. 361, 2.

lands, shall continue in force for ten years from the making of this Act, and no longer.”<sup>1</sup>

The 16,000<sup>2</sup> Jews of England were thus called upon to change at once their old occupation for a new one, and the task was imposed upon them under conditions which made it all but impossible of fulfilment. They were forbidden to become burgesses of towns ; and the effect of the prohibition was to make it impossible for them, in most parts of England, to become traders, for it practically excluded them from the Gild Merchant. It is true that some towns professed that their Gild was open to all the inhabitants, whether burgesses or not, so long as they took the oath to preserve the liberties of the town and the king’s peace.<sup>3</sup> But most of the Gilds were exclusive bodies, to which all non-burgesses would find it hard to gain admission,<sup>4</sup> and Jewish non-burgesses, though not as a rule kept out by a disqualifying religious formula,<sup>5</sup> would on account of the unpopularity of their race and religion, find it trebly hard.<sup>6</sup> As non-Gildsmen, they would be at a disadvantage both in buying goods and in selling them. They would find it hard to buy, because, in some towns at any rate, the Gildsmen were accustomed to “ oppress the people coming to the town with vendible wares, so that no man could sell his wares to anyone except to a member of the society.”<sup>7</sup> They would find it in all towns hard to sell, in some impossible. In some towns non-Gildsmen were forbidden to deal in certain articles of common use,

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<sup>1</sup> Blunt, *Establishment and Residence*, etc., 141.

<sup>2</sup> This is the number of those who left the country in 1290. *Flores Historiarum* (Rolls Series), iii. 70. Probably the number of those in the country in 1275 was about the same.

<sup>3</sup> Gross, *The Gild Merchant*, I. 38.

<sup>4</sup> *Ibid.*, I. 39-40.

<sup>5</sup> *Ibid.* II., 68, 138, 214, 243, 257.

<sup>6</sup> One Jew alone is known to have become a member of a Gild during the residence of the Jews in England before 1290. He became a citizen at the same time. His election took place in 1268 (Kitchin’s *Winchester-Historic Towns Series*, p. 108). After 1275 it would have been illegal.

<sup>7</sup> Gross, *The Gild Merchant*, I. 41.

such as wool, hides, grain, untanned leather, and unfulled cloth ; in others, as in Southampton, they might not buy anything in the town to sell again there, or keep a wine tavern, or sell cloth by retail except on market day and fair day, or keep more than five quarters of corn in a granary to sell by retail. There were even towns where the municipal statutes altogether forbade non-Gildsmen to keep shops or to sell by retail.<sup>1</sup>

It was almost as difficult for Jews to become agriculturists or artisans, as to become traders. They were allowed by the statute to farm land, but for ten years only, and they were far too ignorant of agriculture to be able to take advantage of the permission. They could not work on the land of others as villeins, because, even if a Christian lord had been willing to receive them, they would have been prevented by their religion from taking the oath of fealty.<sup>2</sup>

Only under exceptional conditions could they work at handicrafts. A Jew who possessed manual dexterity might, as was sometimes done in the thirteenth century, have worked for himself at a cottage industry, and might, though the task would have been a hard one, have gained a connection among Christians, and induced them to trust him with materials.<sup>3</sup> But many crafts were at the time coming under the regulations of craft-gilds. Certainly as early as the beginning of the fourteenth century, there were in London fully-organised gilds of Lorimers, Weavers, Tapicers, Cap-makers, Saddlers, Joiners, Girdlers, and Cutlers.<sup>4</sup> In Hereford there were Gilds for nearly thirty trades.<sup>5</sup> It was probably very often the case, as it was with the Weavers' Gild in London, that a craft-gild existing

<sup>1</sup> Gross, *The Gild Merchant*, I. 45, 46, 47.

<sup>2</sup> *Liber Custumarum* (Rolls Series), 215.

<sup>3</sup> Ochenkowski, *Englands Wirtschaftliche Entwicklung im Ausgange des Mittelalters*, 51-4.

<sup>4</sup> *Liber Custumarum* (Rolls Series) 80-81, 101-2, 121 ; *Liber Albus* (Rolls Series), 726, 734. Riley, *Memorials of London*, 179.

<sup>5</sup> Johnson, *Customs of Hereford*, 115-6.

in any town could forbid the practice of the craft in the town to all who had not been elected to membership, or earned it by serving the apprenticeship that the Gild's statute required.<sup>1</sup> The period required by the Lorimers' statute was ten years, by the Weavers', seven, and in some cases certainly, and probably in all, the apprenticeship had to be served under a freeman of the city.<sup>2</sup> The apprentice who had served his time, was still, in some towns and industries, unable to practise his craft, unless he became a citizen and entered the frank pledge.<sup>3</sup> It was difficult for a Jewish boy to become an apprentice, for the Church threatened to excommunicate any Christian who received into his house, as an apprentice would naturally be received, a Jew or Jewess; it was impossible for a Jewish man to become a citizen, for the king forbade his Jewish "serfs" to be in scot and lot with the other inhabitants of the cities in which they lived.

Excluded from the trades and handicrafts of the towns, the Jew might try other means of earning a livelihood. He might attempt to travel with wares or with produce, from one part of England to another, or he might be an importer or an exporter. But wholesale trade of this kind would be open to those alone who had command of a large capital. And this was not the only difficulty in the way. If the Jew went about the country with his goods from fair to fair, or from city to city, he would do so at very great risk. He would have to travel over the high roads, the perils of which made necessary the Statute of Winchester, and are recounted in the words of its preamble, *de jour en jour roberies, homicides, arsons, plus sovenerement sont fetes que avaunt ne soleyent*.<sup>4</sup> If he survived the dangers of the road and reached a fair, he would find

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<sup>1</sup> *Liber Custumarum*, 418-425.

<sup>2</sup> *Liber Custumarum*, 78, 81, 124. Riley, *Memorials of London*, 179, 216.

<sup>3</sup> *Liber Custumarum*, 79, Ochenkowski, *Op. Cit.*, 64.

<sup>4</sup> Stubbs, *Select Charters*, 470.

there an assemblage made up in part of "daring persons," such as those, who, in spite of the orderly traders and citizens, had caused the massacre at Lynn, in 1190,<sup>1</sup> or those who, at Boston killed the merchants and plundered their goods, until "the streets ran with silver and gold,"<sup>2</sup> or those citizens of Winchester who, in the reign of Henry III., carried on for a time a successful conspiracy to rob all itinerant merchants who passed through the country.<sup>3</sup> With his foreign face and striking badge, he would be the first mark for the hatred of the riotous crowd. And if he escaped violence and robbery, he had still to fear the officials of the lord of the fair, who exercised for the time unlimited and irresponsible power, and who, according to the regulations of some fairs, could destroy the goods of any trader if their quality did not please them.<sup>4</sup> When he had managed to escape from the mob and the officials, his difficulties were not over. He might make his bargains, but there was no court of justice to which he could appeal to enforce the completion of any transaction that required a longer time than that of the duration of the fair. Redress for any injustice committed at a fair, or for the failure to carry out an agreement made there, could be obtained only through application made by the municipality of the complainant to that of the wrong-doer.<sup>5</sup> The Jew had no municipality to present his claims. If those with whom he had transactions deceived him or refused to pay him, he was helpless. There was no power to which he could appeal.

If instead of going to a fair he tried to sell, in a town, produce from another country or a different part of England, he was in a position of even greater difficulty.

<sup>1</sup> Jacobs, 116.

<sup>2</sup> Walsingham, *Historia Anglicana* (Rolls Series), I. 30.

<sup>3</sup> M. Paris, *Chronica Majora*, v. 56-8.

<sup>4</sup> Ochenkowski, *Englands wirtschaftliche Entwicklung*, 157.

<sup>5</sup> Cunningham, *Growth of English Industry and Commerce, Early and Middle Ages*, 175.

In a strange town he was as much an alien as in a strange country, and there was scarcely any limit to the vexations and sufferings that on that account he would have to endure. In London, for example, alien merchants were forbidden to remain in the city for more than forty consecutive days. While they were there they might not sell anything by retail, nor have any business dealings at all with any but citizens. There was a long list of articles that they were altogether forbidden to buy. They might not stow their goods in houses or cellars; they had to sell within forty days all that they had brought with them; they were allowed neither to sell anything after that time, nor to take anything back with them. They were continually annoyed by the officers of the city.<sup>1</sup> All these disadvantages the Jew would have to endure to the full while competing with many powerful organisations which were engaged in foreign trade, and had, after long struggles, secured from the king special charters of privilege. Such were the companies of the merchants of Germany, who had their steelyard in London and their settlements at Boston and Lynn; the Flemings, who had their Hanse in London; the Gascons who enjoyed a charter; the Spaniards and Portuguese; the Florentines, most powerful of all, and the Venetians, whose enterprise was, at the beginning of the fourteenth century at any rate, carried on under the auspices of the Republic.<sup>2</sup>

The last opportunity for the Jews was to take part in the export of English produce. English wool was the most important article of international trade in Western Europe. It was brought from monasteries and landholders chiefly by the rich and powerful companies of Flemish

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<sup>1</sup> *Liber Custumarum* (Rolls Series), xxxiv.-xlviii., 61-72; *Liber Albus*, xciv., xvi., 287; Macpherson, *Annals of Commerce*, I. 388-9.

<sup>2</sup> *Liber Custumarum* and *Liber Albus*, as referred to in preceding note: Cunningham, *Growth of English Industry and Commerce, Early and Middle Ages*, 181-6; Ochenkowski, *Englands wirtschaftliche Entwicklung*, 180; *Calendar of State Papers (Venetian)*, lx.-lxix.; Peruzzi, *Storia dei Banchieri e del Commercio di Firenze*, 70.

and Italian merchants, and sent to Flanders and Italy to be woven and dyed.<sup>1</sup> The Jews had, apparently, long taken some slight part in wholesale trade,<sup>2</sup> but the amount of capital that it required, and the power of the rivals who held the field, made it impossible for many of them to take to it immediately as a substitute for money-lending. Still it was the only form of enterprise in which they would not be at a hopeless disadvantage, and some Jews, those probably who had a large capital and were able to recall it from the borrowers, followed the example of the Italians, and made to landholders advances of money to be repaid in corn and wool.<sup>3</sup>

#### VIII.—THE TEMPTATIONS OF THE JEWS.

But even for those Jews who were rich enough to take part in wholesale trade, there was still a great temptation to transgress the prohibition against usury. All the legal machinery that was necessary for the due execution and validity of agreements between Jews and Christians—the chest in which the deeds were deposited, and the staffs of officers by whom they were registered and supervised—were still maintained in some towns, since they were necessary alike for the recovery, by the ordinary process, of the old debts (many of which, in spite of the order for summary repayment in the Statute of 1275, still remained outstanding)<sup>4</sup> and for the registration of any new agree-

<sup>1</sup> Cunningham, *Growth*, etc., 185; Macpherson, *Annals of Commerce*, pp. 415, 481; *Calendar of State Papers (Venetian)*, lxvi.-lxvii.

<sup>2</sup> Jacobs, 66-7: *Archæological Journal*, xxxviii. 179.

<sup>3</sup> This was the procedure adopted by the Italians: They paid down a sum as earnest-money, and then took a bond (Peruzzi, 70). Cf. Tovey, 207.

<sup>4</sup> For pledges still unredeemed, land still in the hands of the Jews and old debts still unpaid long after the Statutes of 1270-1275 had been passed, see MSS. in Public Record Office (*Queen's Remembrancer's Miscellanea*, 557, 13-23); Rymer, l. 570; John of Peckham, I. 937; *Calendar of Patent Rolls*, 1281-1292, p. 81; Prynne, *Second Demurrer*, pp. 74 and 80 (=154).

ments that might be made for the delivery of corn and wool, or for the repayment of money lent ostensibly without interest. There was no lack of would-be borrowers to co-operate with the Jews in using this machinery in order to make agreements on which, in spite of the prohibition of usury, money might profitably be lent. The demand for loans was great, far too great to be satisfied, as the Church thought it reasonable to expect,<sup>1</sup> by money advanced without interest; and owing to the progress of the change from payment of rents in kind or service to payment in cash,<sup>2</sup> it was steadily growing. It had been met by the money of the Italian bankers, of the Jews, of English citizens, and, as is freely hinted by writers of the time, of great English barons, who secretly shared in the transactions and the profits of the Jewish and foreign usurers.<sup>3</sup> The supply had suddenly been checked by the simultaneous prohibition of all usury whether of Jews or of Christians. Now a Jew who wished, by collusion with a borrower, to evade the law against usury, had only to study the methods that had been followed by the Caursines, and those that were still followed by the Italians and acquiesced in by the heads of the religious houses with whom they had dealings. The Caursines, for example, sometimes avoided the appearance of usury by lending 100 marks and receiving in return a bond, acknowledging a loan of £100.<sup>4</sup> Sometimes they lent money for a definite period, on an agreement that they were to get a "gift," in return for their kindness in making the loan, and "compensation" in case it were not repaid in time.<sup>5</sup> Sometimes by a still more elaborate device, the Italians combined their two

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<sup>1</sup> Labbeus, *Sacrosancta Concilia*, XI. 649-50.

<sup>2</sup> Vinogradoff, *Villeinage in England*, 179, 307.

<sup>3</sup> M. Paris, V. 245; Wilkins, *Conc.*, I. 675; *De Antiq. Legibus*, 234 sq. (Archbishop of York's remarks on the corruption of the Great Council and on the *fautores* of Jews.)

<sup>4</sup> M. Paris, *Chronica Majora*, V. 404-5.

<sup>5</sup> Muratori, *Antiquitates Italicae Medii Aevi*, I., 893.

professions of money-lenders and merchants, by inducing a monastery which had borrowed money, to acknowledge the receipt, not only of the money, but also of the price of certain sacks of wool which it bound itself in due time to supply.<sup>1</sup> The Jews, no doubt, followed the example of the Caursines and of the Italians. In official registers, which are still extant, there are mentioned bonds which secured to Jewish creditors a large payment in money together with a small payment in kind, and which doubtless represent collusive transactions, in which the offence of usury was to be avoided by the substitution of a recompence in kind for interest in money. Other bonds for repayment of money alone are mentioned in the same registers as having been executed after 1275, and every one of the kind that was executed between that date and the date of the amendment of the Statute against usury may be safely considered to represent a transaction which was an offence, either veiled or open, against the prohibition.

The temptation to transgress the Statute of 1275 could appeal only to Jews with capital, but on the poorer Jews other temptations acted with even more strength and even worse results.

The only reputable careers known to have been open to the poorer Jews were to become servants in the houses of their rich co-religionists,<sup>2</sup> or else to imitate in a humble way their financial transactions, either by keeping pawnshops,<sup>3</sup> or by carrying on, in towns where there was no recognised Jewry, business of the same kind as that of the rich money-lenders in the larger Jewish settlements. To follow these pursuits was now impossible, in consequence, not only of the prohibition of usury, but also of the strictness with which Edward enforced the old legislation

<sup>1</sup> *Rotuli Parliamentorum*, I. 1, 2.

<sup>2</sup> *Royal Letters* (Rolls Series), II. 24.

<sup>3</sup> *Leet Jurisdiction of Norwich* (Selden Society), p. 10; Cf. *Ancren Riwle* (Camden Society), 395. "Do not men account him a good friend who layeth his pledge in Jewry to redeem his companion?"

against the residence of Jews in towns where there did not exist a chest for the deposit of Jewish debts, and a staff of clerks to witness and register them.<sup>1</sup> There was thus nothing to which the poorer Jews could turn. Crowded as unwelcome intruders into a small and decreasing number of towns, without legal standing or industrial skill, hated by the people and declared accursed by the Church, they were bidden to support themselves under conditions which made the task impossible unless they could take by storm the citadel of municipal privilege which bade defiance to the "greatest of the Plantagenets" throughout his reign.

Under such conditions degeneration was inevitable. Some of the Jews are said to have taken to highway robbery and burglary;<sup>2</sup> some went into the House of Converts, where they got  $1\frac{1}{2}$ d. a day and free lodging.<sup>3</sup> But to the dishonest there was open a far more profitable form of dishonesty than either of those already mentioned, viz., clipping the coin.

The offence had long been prevalent. In 1248 such mischief had been done that, according to Matthew Paris "no foreigner, let alone an Englishman, could look on an English coin with dry eyes and unbroken heart."<sup>4</sup> It was in vain that Henry III. issued a new coinage, so stamped that the device and the lettering extended to the edge of the piece,<sup>5</sup> and caused it to be proclaimed in every town, village, market-place, and fair that none but the new pieces with their shapes unaltered should be given or taken in exchange.<sup>6</sup> The opportunity for dishonesty was too tempting. The coins that actually circulated in the country

<sup>1</sup> Rymer, *Foedera*, I. 503, 634; *Papers of the Anglo-Jewish Historical Exhibition*, 187-190.

<sup>2</sup> *Calendar of Patent Rolls*, 1281-1292, p. 98; *Papers Anglo-Jewish Hist. Ex.* 167.

<sup>3</sup> See *Dictionary of Political Economy*, Article JEWS, (House for Converted).

<sup>4</sup> *Chronica Majora*, V. 15.

<sup>5</sup> *Annales Monastici* (Rolls Series), II. 339.

<sup>6</sup> M. Paris, *Chronica Majora*, V. 15, 16.

were of many different issues,<sup>1</sup> they were not milled at the edges,<sup>2</sup> they were so liable to damage and mutilation of all kinds that their deficiency of weight had to be recognised and allowed for.<sup>3</sup> Hence anyone who had many coins passing through his hands could secure an easy profit by clipping off a piece from each one before he passed it again into circulation. In the early part of the reign of Edward I., such was the deficiency in the weight of genuine coins (an annalist of the period estimates it at 50 per cent.),<sup>4</sup> and such the amount of false coin in circulation, that the price of commodities rose to an alarming height, foreign merchants were driven away, trade became completely disorganised, shopkeepers refused the money tendered to them, and the necessities of life were withdrawn from the markets.<sup>5</sup> The King had to promise to issue a new coinage, but the announcement of his intention only increased the general disturbance. The Archbishop of Canterbury complained that in consequence of the disturbance of circulation, he could not find anyone, except the professional usurers, from whom he could borrow money on which to live during the interval before the revenues of his see began to come in.<sup>6</sup> When the King at this period of his reign went to a priory to ask for money, the first and most cogent of the excuses that he heard was that "the House was impoverished by the change in the coinage of the realm."<sup>7</sup> Public opinion ascribed to the Jews the greatest share in the injuries to the coinage. "They are notoriously forgers and clippers of the coin," says Matthew Paris.<sup>8</sup> And that the suspicion was not absolutely without justification is shown by the fact, that early in Henry III.'s reign, the

<sup>1</sup> Ruding, *Annals of the Coinage*, I. 179.

<sup>2</sup> Ashley, *Economic Hist., Theory*, I. 169.

<sup>3</sup> Ashley, I., 215, n. 95; cf. Jacobs, 73 and 225.

<sup>4</sup> *Annales Monastici* (Rolls Series), IV. 278.

<sup>5</sup> *Annales Monastici*, IV. 278; *Liber Custumarum*, 189.

<sup>6</sup> John of Peckham, *Registrum Epistolarum* (Rolls Series), I. 22.

<sup>7</sup> *Annales Monastici* III. 295. <sup>8</sup> *Historia Anglorum*, III. 76.

community made a payment to the King in order to secure as a concession the expulsion from England of such of its members as might be convicted of the crime.<sup>1</sup> When inquiries were ordered into the causes of the debasement, in 1248, it was generally considered that the guilt would be found to rest with the Jews.<sup>2</sup> The official verdict included them with the Caursines and the Flemish wool-merchants in its condemnation.<sup>3</sup>

It was not unnatural that Edward, when the evil reappeared in his reign, should share the general suspicion against the Jews, seeing that they had only recently begun to give up dealing in money, while many of the poorer among them must have become, since 1275, desperate enough to be ready to take to any tempting form of dishonesty. The King's indignation at the suffering that had been caused by the injury done to the old coinage, and at the expense that was involved in the preparation of the new issue which had become necessary, prompted him to act on his suspicions, and to take a measure of terrible severity in order to make sure of the apprehension of the most probable culprits. When, in 1278, he was making preparations for an inquiry into the whole subject of the coinage, he caused all the Jews of England to be imprisoned in one night, their property to be seized, and their houses to be searched. At the same time the goldsmiths, and many others against whom information was given by the Jews, were treated in the same way.<sup>4</sup>

The prisoners were tried before a bench of judges and royal officers. There can be no doubt that many innocent men were accused, even if they were not condemned. At a time when all the Jews in England were imprisoned, there was a great temptation for Christians to bring false accusations against those among them whom they disliked on personal or religious grounds, especially as there

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<sup>1</sup> Tovey, 109; Madox, *History of the Exchequer* I. 245, 2.

<sup>2</sup> M. Paris, *Chronica Majora*, IV. 608.

<sup>3</sup> *Ibid.*, V. 16.

<sup>4</sup> *Annales Monastici*, IV. 278.

was a good chance of extorting hush-money from the accused, or, in case of condemnation, of concealing from the escheators some of their property.<sup>1</sup> The Jews and the King recognised the danger. One Manser of London, for example, was wise enough to sue that an investigation might be held into the ownership of tools for clipping that were found on the roof of his house.<sup>2</sup> The King, anxious that punishment should fall only on the guilty, issued a general writ, in which the various motives for false accusation were recited, and it was ordered that any Jew against whom no charge had been brought by a certain date might secure himself altogether by paying a fine.<sup>3</sup> Nevertheless, a large number both of Jews and Christians were found guilty. Of the Christians only three were condemned to death, though many others were heavily fined. For the Jews, however, there was no mercy. Two hundred and ninety-three of them were hanged and drawn in London, and all their property escheated to the King. A few more had been condemned, but saved their lives by conversion to Christianity.<sup>4</sup>

The activity with which Jews took part, or were supposed to take part, in the debasement of the coinage, and in the prohibited practice of usury,<sup>5</sup> must have aroused in the mind of the King some misgivings on the subject of his new policy. Nevertheless, he did not as yet despair of its ultimate

<sup>1</sup> *Calendar of Patent Rolls from 1281 to 1292*, 128, 147, 173, 176, 213, 291, 451; *Chron. Ed. I.*, I. 93; *Rotuli Parliamentorum*, I. 51a; *Rymer, Fædera*, I., 570.

<sup>2</sup> *Papers Anglo-Jewish Historical Exhibition*, 42-3.

<sup>3</sup> *Tovey*, 211-13.

<sup>4</sup> *Chronicles of Edward I. and Edward II.* (Rolls Series), I., 88; *Chronicon Petroburgense* (Camden Society), 29.

<sup>5</sup> "Whereas in the time of our ancestors, kings of England, loans at interest were wont and were allowed to be made by Jews of our kingdom, and much of such profits fell into the hands of those our ancestors, as the issues of our Jewry; and we, led on by the love of God, and wishing to follow more devoutly in the path of the Holy Church, did forbid unto all the Jews of our kingdom who had viciously lived from such loans, that none of them henceforth in any manner be guilty of resorting to loans at interest, but that they seek their living and sustain themselves by other legitimate

success. The crimes of the Jews were no greater than those of the Christians around them, though they called forth heavier punishment. Christians clipped and coined; Christians still lent money on usury.<sup>1</sup> And a certain amount of crime among Jews could not but be looked for as a natural result of the terrible difficulties in the way of the social revolution that had been demanded of them. Edward saw that he had been trying to do too much at once. The Jews could not change their occupation as suddenly as he had wished. The country could not do without money-lenders. By making the lending of money at interest a penal offence, and thus encouraging debtors and creditors to keep their transactions secret, Edward had weakened the supervision that had been exercised by the Treasury, since 1194, over the business and property of the Jews, and thus he had increased the chance of fraud in the collection of tallages, and in the apportionment of the share of each estate that had long been claimed by the Crown as the succession due on Jewish property.<sup>2</sup> But he had not stamped out usury, though the Statute of 1275 had forbidden it. He had not even secured the redemption of all pledges of Christians from the hands of the Jews, though the Statute of 1275 had demanded it. And, therefore, in order that he might not keep on the Statute Book a law of which the effective administration was impossible,

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work and merchandise, especially since by the favour of Holy Church they are suffered to sell and live among Christians. Nevertheless, afterwards, in a blind and evil spirit, turning to evil, under colour of merchandise and good contracts and covenants, what we established by rational thought, premeditating mischief anew, they do it with Christians by means of bonds and divers instruments, which remain with the Jews, and in which, on a given debt or contract, they put double, treble, or quadruple more than they lend to the Christians [this reads like an exaggeration], penally abusing the name of usury. . . ." (*Papers Anglo-Jewish Historical Exhibition*, 225-6).

<sup>1</sup> For Coining, see Ruding, *Annals of the Coinage* I. 197; *Calendar of Patent Rolls from 1281 to 1292*, 97; *Abbreviatio Rotulorum Originalium* (Record Commission), 49; Peckham, *Registrum Epistolarum*, I. 146. For Usury, *Forty-fourth Report of the Deputy-Keeper of the Public Records*, pp. 8 and 9; *Archæologia*, XXVIII., 227-9; Peckham, II., 542; and for a later period, *Rotuli Parliamentorum*, II. 332a, (VII.) 350b.

<sup>2</sup> *Papers of Anglo-Jewish Historical Exhibition*, p. 192 (note 54), and p. 222.

he mitigated the severity of the provisions of 1275, and issued, probably a few years later, a new Statute, in which he prescribed certain conditions under which usury was to be permitted. He allowed loans to be made under contract for the payment of interest at the rate of half a mark in the pound yearly, but for three years only ; and, in order to reduce the temptation to conclude secret transactions, restored legal recognition to all debts of the value of £20 or upwards that were made under the prescribed conditions, and were registered before the chirographer and clerk, and threatened heavy penalties against all who should lend up to that amount without registration.<sup>1</sup>

Edward was wise in thus substituting for his earlier, harassing measure, one that allowed for gradual change, and that attempted to control the evil of which the immediate suppression was impossible. But the few years' experience that he had already had ought to have made him go farther still. It ought to have shown him that it was hopeless to expect the Jews to give up usury so long as the greater part of them were practically excluded from all other pursuits, and that, if ever he was to bring to a successful issue the policy that he had inaugurated, he would have to find some means of enabling them to work side by side with Christians, and to compete with them on equal conditions.

Such a task would have been full of difficulties, the greatest of which resulted from the active hostility with which the rulers and teachers of the Christian Church in the thirteenth century, unlike their predecessors, regarded the Jews. The growth and nature of this hostility must now be considered.

B. LIONEL ABRAHAMS.

(*To be continued.*)

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<sup>1</sup> *Papers of Anglo-Jewish Historical Exhibition*, pp. 224-9.